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ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

NOTE: CHANGES MADE BY THE COURT

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 NATURAL RESOURCES
11 DEFENSE COUNCIL, INC.;
12 EAST YARD COMMUNITIES FOR
13 ENVIRONMENTAL JUSTICE; and
14 COALITION FOR A SAFE
15 ENVIRONMENT;

Plaintiffs,

v.

16 UNITED STATES DEPARTMENT
17 OF TRANSPORTATION;
18 RAY LAHOOD; FEDERAL
19 HIGHWAY ADMINISTRATION;
20 JEFFREY F. PANIATI; and
21 CALIFORNIA DEPARTMENT OF
22 TRANSPORTATION;

Defendants.

23 ALAMEDA CORRIDOR
24 TRANSPORTATION AUTHORITY;

Real Party in Interest.

Case No: 2:09-CV-8055-JAK-MAN

Action Filed: November 4, 2009

Hearing Date: September 23, 2011

JUDGMENT

JS-6

**[JOINTLY SUBMITTED BY
DEFENDANTS AND
REAL PARTY IN INTEREST]**

1 This action came on for hearing before the Court, on September 23,
 2 2011, the Hon. John A. Kronstadt, District Judge Presiding, on Cross-Motions for
 3 Summary Judgment. Shiraz D. Tangri, Marisa E. Blackshire and Sharon
 4 Rubalcava of Alston & Bird LLP appeared for Real Party In Interest Alameda
 5 Corridor Transportation Authority (“ACTA”), Norman L. Rave, Jr. of the United
 6 States Department of Justice appeared on behalf of United States Department of
 7 Transportation, Ray LaHood, Federal Highway Administration, and Victor
 8 Mendez (collectively, the “Federal Defendants”), and Judith A. Carlson appeared
 9 on behalf of the California Department of Transportation (“Caltrans”) (ACTA, the
 10 Federal Defendants and Caltrans are hereinafter collectively referred to as
 11 “Defendants”). Adriano Martinez and Robert E. Yuhnke appeared on behalf of
 12 plaintiffs Natural Resources Defense Council, Inc., East Yard Communities for
 13 Environmental Justice and the Coalition For A Safe Environment (collectively, the
 14 “Plaintiffs”). The administrative record and arguments presented having been fully
 15 considered, the issues having been duly heard and a decision having been duly
 16 rendered, the Court hereby ORDERS as follows:

17 After considering the administrative record and arguments, both oral
 18 and documentary, presented in connection with these cross-motions and introduced
 19 at the hearing thereon, being fully advised in the premises and good cause
 20 appearing therefore, the Court hereby GRANTS summary judgment in favor of
 21 Defendants and DENIES the parallel motions of Plaintiffs on the grounds set forth
 22 in the Court’s Minute Order filed June 29, 2012 [Docket No. 119].

23 IT IS ORDERED AND ADJUDGED that judgment is hereby entered
 24 in favor of Defendants on all of Plaintiffs’ claims and requests for relief.

25
 26 DATED: July 19, 2012



27 The Honorable John A. Kronstadt
 28 United States District Court

Submitted by:

ALSTON & BIRD LLP

/S/

Shiraz D. Tangri
SHARON RUBALCAVA
SHIRAZ D. TANGRI
MARISA E. BLACKSHIRE
Attorneys for Real Party in Interest
ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

APPROVED AS TO FORM BY:

**UNITED STATES
DEPARTMENT OF JUSTICE**

/S/

Norman L. Rave, Jr.
DAVID B. GLAZER
NORMAN L. RAVE, JR.
Attorneys for United States Department of Transportation,
Ray LaHood in his official capacity as Secretary of Transportation,
Federal Highway Administration and
Victor Mendez in his official capacity as FHWA Administrator

**STATE OF CALIFORNIA,
DEPARTMENT OF TRANSPORTATION**

/S/

Judith A. Carlson
JUDITH A. CARLSON
ELIZABETH R. POLLOCK
Attorneys for Defendant
State of California, Department of Transportation